

## **Title 428 — BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS**

### **Chapter 1 — Procedures for Classifications (Continued)**

#### **004 FUNCTIONAL CLASSIFICATION ASSIGNMENT APPEAL TO THE BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS**

**004.01** Any County or Municipality may, based on changing traffic patterns or volume, request the Department of Roads to reclassify any segment of highway, road or street. The Department shall review such request and either grant or deny the reclassification in whole or in part. Any County or Municipality dissatisfied with the action taken by the Department under this section, may appeal to the Board of Public Roads Classifications and Standards.

**004.02** An appeal of assigned functional classification by any County or Municipality shall be submitted to the Board of Public Roads Classifications and Standards in writing. Appeal documentation shall include:

1. One copy of the Resolution, by the County Board or City Council, appealing the assigned functional classification and specifying the functional classification requested.
2. One copy of a map showing the location of the road or street. Beginning and ending points shall be identified.
3. Evidence that the Department of Roads denied a request for reclassification.
4. Traffic count data to include location of traffic count station(s) and date(s).

**004.03** Upon the taking of such an appeal, the Board shall review all information pertaining to the assignment and hold a hearing thereon if deemed advisable. The determination, on whether or not a Public Hearing shall be held, shall be by Roll Call Vote. The Board shall set the time and place of Public Hearing.

**004.04** When a functional classification appeal Public Hearing is scheduled by the Board, the Secretary for the Board shall:

1. Notify in writing the County(s) and/or Municipality(s) of the time and place for Public Hearing at least ten days prior to the Hearing.
2. Notify in writing the Director-State Engineer, Department of Roads the time and place for Public Hearing at least ten days prior to the Hearing.
3. Cause to be published a legal notice of Public Hearing at least ten days prior thereto in a designated legal newspaper in the County(s) and/or Municipality(s) at least one time stating the time and place and purpose of the Public Hearing. Such legal notice shall also be published in a legal newspaper with statewide circulation.

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4. Notify in writing the members of the Board and place the Public Hearing on the Agenda.
5. Prepare the Public Hearing format which will be divided into three parts in addition to the opening and closing statements.

**PART ONE.** The County(s) and/or Municipality(s) shall present their appeal.

**PART TWO.** The Department of Roads shall present information concerning the functional classification as assigned.

**PART THREE.** The Board shall conduct a question and answer period if deemed advisable.

**004.05 FUNCTIONAL CLASSIFICATION APPEAL TRANSCRIPTS.** All Functional Classification Appeals shall be recorded and a written transcript prepared under the direction of the Secretary for the Board.

Statements or exhibits submitted to the Board within ten days following the Public Hearing will become an official part of the Public Hearing transcript.

One copy of the Public Hearing transcript shall be furnished to each Board member. The Board shall examine the transcript for correctness. The accepted Public Hearing transcript shall then be available for public inspection and copying at the Department of Roads' Headquarters, South Junction U.S. 77 and N-2, Lincoln, Nebraska.

**004.06** Within ninety days of the date of the hearing, the Board will meet, consider the request, and by one vote, grant or deny the appeal either in whole or in part. An affirmative vote of at least six members will be necessary to grant an appeal. A permanent record will be maintained of the Board's decision. A copy will be distributed to the requesting County(s) or Municipality(s) to the Department of Roads, and to any interested party requesting a record of the proceeding.

The Boards' decision on the assigned classification shall be subject to the provisions of Chapter 84, Article 9 Neb. Rev. Stat.